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2	STATE OF NEW YORK : COUNTY OF ULSTER KINGSTON CITY ZONING BOARD OF APPEALS	
3	X In the Matter of	
4	In the natter of	
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6	Appeal of ZEO's determination on the allowable use of property at	
7		
8	32 ABEEL STREET	
9	X	
10	Date: November 15, 2016	
11	Time: 6:32 p.m. Place: Kingston City Hall	
12	420 Broadway Kingston, NY 12401	
13	RIIIgbeon, NI 12101	
14	DOADD MEMBERG: TAMEG DODDEN Choirman	
15	BOARD MEMBERS: JAMES RODDEN, Chairman ANTHONY ARGULEWICZ	
16	BRIAN CAFFERTY ANDREW CHAMP DORAN	
17	JOSEPH FITZGERALD	
18	ALSO PRESENT: DANIEL GARTENSTEIN, ESQ.  JULIE SMITH	
19	OULLE SMITH	
20		
21		
22		
23	MICHELLE L. CONERO	
24	10 Westview Drive Wallkill, New York 12589	
25	(845)895-3018	

2	CHAIRMAN RODDEN: Good evening. It's
3	now 6:30 and we'll call this hearing to order.
4	The City of Kingston Zoning Board of Appeals will
5	now come to order. It's, again, 6:30 p.m.
6	My name is Jim Rodden, I'll be chairing
7	this proceeding. I'm going to take a few moments
8	to point out the Members of the Board that have
9	been appointed to serve the citizens of the City
LO	of Kingston, New York. We perform the service to
11	the best of our abilities on a voluntary, unpaid
12	basis.
L3	Tonight the style of the meeting will
L4	be different than normal. There will be no
L5	public comment session as we've had that all
L6	through the hearing process. What we'll have
17	tonight will basically be the decision by the
L8	Board.
L9	Our role as Zoning Board of Appeal
20	Members is to determine whether or not to grant
21	waivers or variances from the City Zoning
22	Ordinance requirements when certain criteria has

been met. An advocate seeking to change the

decision made by the Zoning Enforcement Officer,

they will seek an interpretation of the Zoning

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2	Code section. The Board interprets and adjusts
3	the statute to ensure it's validity is
4	continually maintained. The Board's powers to
5	grant relief in specific instances are based on
6	the premise that it's actions, rather than being
7	detrimental to the Zoning Ordinance, maintain the
8	overall scheme.
9	Tonight serving on the Board with me,
10	to my far left is Andy Champ Doran. To my
11	immediate left, Anthony Argulewicz. To my right,
12	Brian Cafferty. To my far right, Joseph
13	Fitzgerald. To my far left, Assistant
14	Corporation Counsel Dan Gartenstein.
15	Stenographer, Michelle Conero.
16	At this time we will read the
17	resolution.
18	Whereas on June 13, 2016 the Zoning
19	Enforcement Officer of the Building and Safety
20	Division of the Kingston Fire Department issued a
21	determination that 32 Abeel Street abuts West
22	Strand and that the use as set forth in Section
23	405-19 B(1) A & B of the City of Kingston Zoning
24	Code are uses permitted on the 32 Abeel Street
25	premises. And whereas 32 Abeel Street owned by

2	the Irish Cultural Center Hudson Valley,
3	Incorporated which has an application for
4	approvals currently pending before the City of
5	Kingston Planning Board, Irish Cultural Center.
6	And whereas on or about June 27, 2016 Hillary and
7	Owen Harvey and Deanna Baum, Appellants, appealed
8	the June 13, 2016 determination of the Zoning
9	Officer to the Zoning Board of Appeals. And
10	whereas this Board conducted a public hearing on
11	said appeal on September 20, 2016 and closed the
12	hearing on that same date.

I'm going to ask Mr. Argulewicz to read the resolution and decision.

MR. ARGULEWICZ: Whereas this Board has carefully reviewed and considered all files and records maintained by the City of Kingston in connection with 32 Abeel Street, various maps, surveys, deeds and historic information relating to 32 Abeel Street and its surrounds, a letter dated November 2, 2016 from Christopher J. Zell, professional licensed surveyor, and the documents submitted with that letter, all submissions and testimony made by Appellants and Appellants' counsel on behalf of Appellants, all submissions

made by the Irish Cultural Center and its
counsel, all submissions made by the Zoning
Enforcement's Officer, testimony from the public
made at the public hearing, and the Zoning Board
of Appeals personal knowledge of the 32 Abeel
Street and its surrounds. And whereas in
deciding this appeal this Board is solely vested
with the authority granted to it under General
City Law Section 81 b(2).

Now therefore be it resolved by virtue of the foregoing and for the reasons set forth in the decision appended hereto and incorporated herein by reference, the Zoning Board hereby affirms on modified grounds the June 13, 2016 determination of the Zoning Enforcement Officer of the Building and Safety Division of the City of Kingston Fire Department and remits this matter to the ongoing review by the City Planning Board, and recommends to that board that any approval granted to the Irish Cultural Center require that the main entrance of the community center face West Strand so the intent of Section 405-19 B(1) be fully met.

And be it further resolved that this

1	32 ABEEL STREET 6
2	resolution and decision be filed forthwith in the
3	office of the City Clerk and be transmitted to
4	the Appellants and Irish Cultural Center within
5	five days of the adoption of this resolution.
6	CHAIRMAN RODDEN: Having heard the
7	resolution and decision by the Zoning Board
8	of Appeals, I need a motion to accept the
9	resolution.
10	MR. ARGULEWICZ: So moved.
11	CHAIRMAN RODDEN: I have a motion by
12	Mr. Argulewicz.
13	And Mr. Fitzgerald, a second?
14	MR. FITZGERALD: I'll second it.
15	CHAIRMAN RODDEN: Joe Fitzgerald
16	seconds it.
17	I'll now poll the Board for its vote.
18	To the far left, Andy Champ Doran?
19	MR. CHAMP DORAN: No.
20	CHAIRMAN RODDEN: Anthony Argulewicz?
21	MR. ARGULEWICZ: Yes.
22	CHAIRMAN RODDEN: Brian Cafferty?
23	MR. CAFFERTY: Yes.
24	CHAIRMAN RODDEN: Joseph Fitzgerald?
25	MR. FITZGERALD: Yes.

1	32 ABEEL STREET 7
2	CHAIRMAN RODDEN: Donald Mapes is not
3	present.
4	And myself, James Rodden, is a yes.
5	On a vote of four in favor and one
6	against, I, the Chairman, have decided this
7	resolution is adopted, dated November 15, 2016 at
8	6:40 p.m.
9	Thank you. That concludes tonight's
10	meeting.
11	I ask for a motion to close the
12	meeting.
13	MR. CAFFERTY: So moved.
14	CHAIRMAN RODDEN: A second?
15	MR. ARGULEWICZ: Second.
16	CHAIRMAN RODDEN: The meeting is
17	closed. Thank you.
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19	(Time noted: 6:40 p.m.)
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1	32 ABEEL STREET
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4	CERTIFICATION
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7	I, MICHELLE CONERO, a Notary Public
8	for and within the State of New York, do hereby
9	certify:
10	That hereinbefore set forth is a
11	true record of the proceedings.
12	I further certify that I am not
13	related to any of the parties to this proceeding by
14	blood or by marriage and that I am in no way
15	interested in the outcome of this matter.
16	IN WITNESS WHEREOF, I have hereunto
17	set my hand this 29th day of November 2016.
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19	Michelle Conero
20	MICHELLE CONERO
21	MICHELLE CONERO
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